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SUBJECT: NEW WRINKLE ON INTERNATIONAL NGO REGISTRATION

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Classified By: DCM Daniel A. Russell. Reason: 1.4 (d).

11. (C) Summary: The Federal Registration Service (FRS) has alleged that 43 international NGOs working here have been inappropriately registered as Russian NGOs, rather than as affiliates of international organizations. At a March 19 meeting, the FRS told representatives of 16 of the NGOs affected that they would need to comply with more onerous reporting requirements required for representation and affiliate offices of foreign NGOs. One of the NGOs in attendance, Greenpeace, told us it is questioning the FRS ruling, while World Wildlife Fund Russia told us it had not been tagged for re-registration by the FRS although its circumstances are similar to Greenpeace. What seems clear from the latest FRS review is that, after two years in operation, the amended law remains confusing and difficult for both the FRS and NGOs to comply with. End summary.

A Meeting with the Government

12. (SBU) On March 19, the Federal Registration Service called a meeting with representatives of 43 NGOs, of which 16 attended, to inform them that as affiliates or representative offices of international organizations, they must register under a different, more burdensome process required for a branch representative office of foreign NGOs. The confusion stems from unclear definitions in the law, which differentiates between divisions of foreign NGOs and branch or representative offices of the same. The former are required to register under the amended NGO law as Russian NGOs, while the latter under the more burdensome requirements for branch or representative offices of foreign NGOs. FRS and the NGO community have struggled to understand since the law's promulgation two years ago what the distinction is between those categories, and the recent meeting appears to be a part of that process. These NGOs are also subject to more stringent annual reporting requirements (reftel).

13. (U) FRS published the fact of the meeting along with a list of invitees on its website on March 20. This announcement said that the meeting had been called to explain to these NGOs that they had not fulfilled their requirements under the NGO law. The announcement identified the organizations on the list as "international" NGOs although the listed organizations had been registered as Russian NGOs. (According to the amended law, affiliates of international organizations were required to re-register by the end of October 2007, which meant that the NGOs at the meeting, in the opinion of the FRS, were not in compliance.) Of the 43 NGOs listed, Greenpeace was the most prominent. The list also included a Lions Club chapter and several lesser-known religious and human rights organizations.

14. (C) Working from the list of NGOs on the FRS website, we

were successful in contacting Greenpeace Russia and the Russian PEN Center. Sergey Tseplenkov of Greenpeace Russia told us that the FRS was still working through the implications of the NGO law, and appeared not to have a clear idea how to deal with the 43 NGOs at issue. Tseplenkov noted that his NGO had been established with a wholly Russian board, and with Russian funding. Although Greenpeace Russia has representation on the international Greenpeace Council (the overarching international association of national Greenpeace organizations), Tseplenkov claimed that it does not qualify as an affiliate of an international NGO. FRS felt otherwise, and said that Greenpeace had to re-register. Tseplenkov guessed that most of the other NGOs invited to the

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March 19 meeting fell into the same category.

15. (C) Notwithstanding the use of the same name, Tseplenkov contended that calling Greenpeace Russia a representative office or affiliate of international Greenpeace would be akin to calling Russia an affiliate of the UN. While he would not comment on how he thought FRS would ultimately rule, he noted that re-registering as an affiliate would require the organization to submit almost 2,000 individually notarized documents to the FRS, along with several boxes of reports and publications. The specific case of Greenpeace should be decided in early April after FRS conducts an audit of Greenpeace. Should the FRS rule against Greenpeace's appeal, Tseplenkov indicated the organization would seek a judgment

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through the courts, if necessary.

16. (C) The Russian PEN Center described a situation similar to Greenpeace. The organization was established in Russia as a wholly Russian NGO although with affiliations to the international PEN Center organization. Our contacts with the PEN Center told us that by removing the word "Branch" from their name their problem would be solved. We were unable to independently corroborate this statement with the FRS.

17. (C) Representatives of Human Rights Watch (HRW) and World Wildlife Fund Russia (WWFR) told us they were not invited to the March 19 meeting. HRW already had registered as an affiliate of an international organization and had submitted all the required reports. WWFR, on the other hand, registered as a wholly Russian NGO with apparently no question of its status or its relation with the international World Wildlife Fund. Darya Miloslavskaya, Russia Director of the Center for Not for Profit Law, a USAID-supported NGO that has been tracking the NGO law, told us that they did not see the FRS action as having any special significance. It was yet another example of the FRS struggling to administer aspects of the amended NGO law for which little guidance has been provided.

18. (C) In attempting to contact organizations on the FRS list, we came across problems that may in fact explain why so many invitees did not show up on March 19. In the first instance, locating contact information for some of the lesser-known organizations proved difficult. When addresses or phone numbers were identified, often the information was false or identified legal addresses versus actual addresses or legal representatives and not actual representatives. Often phone calls went unanswered.

Comment

19. (C) Our NGO contacts do not, at this stage, see the FRS action as politically motivated. Instead it appears to be more fallout from the legislation that is overly complicated and subject to different interpretations. We will continue to make the case for reform and simplification of the registration process with GOR officials.

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